

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GERRY MONROE	§ NO. 4:19-cv-01991
	§
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	§
Plaintiff	§
	§
	§
v.	§
	§
	§
HOUSTON INDEPENDENT SCHOOL DISTRICT	§
	§
	§
Defendant	§
	§

DECLARATION OF SCOTT NEWAR

Pursuant to 28 U.S.C. section 1746, I, Scott Newar, declare under penalty of perjury that the following is true and correct:

1. I have served as the Attorney-In-Charge for the Plaintiff, Gerry Monroe, since this matter's inception.
2. I graduated from Stanford University in 1985.
3. I attended the University of Texas School of Law from 1986 to 1989 and obtained my license to practice law in Texas in November 1989.
4. From August 1989 to August 1990, I served as a law clerk to The Honorable E. Grady Jolly on the United States Court of Appeals for the Fifth Circuit.
5. From early 1991 to December 1995, I worked as a Staff Attorney for East Texas Legal Services ("ETLS")—a non-profit organization that provides free legal services to indigent individuals in civil cases.

6. During my almost five years at ETLS, I represented indigent individuals in cases involving, *inter alia*, housing discrimination, employment discrimination, educational discrimination, and other civil rights violations.

7. I have worked as a solo practitioner from January 1996 until present.

8. I specialize in employment and civil rights issues.

9. I am Board-Certified in Labor/Employment law through the Texas Board of Legal Specialization and have been since 2004.

10. I am admitted to practice in the United States Supreme Court; the Southern District of Texas; the Northern District of Texas; the Western District of Texas; and the Eastern District of Texas.

11. Since my admission to the Southern District of Texas in November 1995, I have litigated approximately fifty cases in that district.

12. My work has resulted in favorable, precedent-setting decisions under the First Amendment, Title VII of the Civil Rights Act of 1964, and other civil rights statutes. Those decisions include: a) *Kawaljeet Tagore v. United States*, 4:09-cv-27 (S.D. Texas) (Lake, J.), reversed and remanded 735 F.3d 524 (5th Cir. 2013) (Lake, J.) (First Amendment religious exercise and Title VII religious discrimination); b) *Yog v. Texas Southern University*, No. 4:08-cv-3034 (S.D. Tex. 2010) (Lake, J.) (Title IX sex discrimination); c) *Kimberly Owen v. Harris County, Texas*, 4:07-cv-3273 (S.D. Texas) (Gilmore, J.), aff'd 617 F.3d 361 (5th Cir. 2010) (Title VII gender discrimination and retaliation); d) *Leslie Ferguson v. Vice-President of Human Resources, Volt Management Corporation*, No. 4:00-cv-02104 (S.D. Texas 2001) (Lake, J.) (ERISA/COBRA); and e) *Paulino Zavala v. City of Houston*, No. 00-20859 (5th Cir. 2000) (Title VII/First Amendment).

13. In 2000-2002, I obtained favorable, precedent-setting decisions from the Fifth Circuit (both panel and en banc) and the Eastern District of Texas in a case arising under the First Amendment's Establishment Clause: *Tom Oxford v. Beaumont Independent School District*, 240 F.3d 362 (5th Cir. 2001) (*en banc*), on remand *Tom Oxford v. Beaumont ISD*, 224 F.Supp.2d 1099 (E.D. Tex. 2002) (Schell, J.).

14. Since approximately 2016, I have customarily charged fee-paying clients \$500.00 per hour for my work.

15. Because I have practiced law in the Southern District of Texas for over twenty-five years, I am knowledgeable about the hourly rates charged by attorneys who represent clients in civil rights litigation in that district.

16. Specifically, I know that my customary rate of \$500.00/hour is below the Southern District of Texas market rate for civil litigators with my qualifications and experience.

17. In December 2016, the 152nd District Court in Harris County, Texas found that my customary rate of \$500.00 per hour was reasonable in an employment discrimination/retaliation case under Tex. Labor Code section 21.001 *et seq.* See *Cathryn Davis v. Apache Corporation*, No. 23898, aff'd 573 S.W.3d 475 (Tex. App. Houston [14th Dist.], April 23, 2019), rev'd on other grounds, 2021 WL 26038214 (Tex. June 25, 2021).

18. Candice O'Brien has worked as my paralegal since approximately April 2014.

19. Ms. O'Brien obtained her paralegal certificate from the University of Houston in April 2013.

20. During her over seven year tenure with my law firm, Ms. O'Brien has accumulated substantial litigation experience, including serving as the courtroom paralegal during all of my trials.

21. Ms. O'Brien served as my office and courtroom paralegal during the two preliminary injunction hearings and the trial on the merits in this action.

22. I customarily charge rate fee-paying clients \$100.00 per hour for Ms. O'Brien's paralegal work.

23. Based on my knowledge and experience practicing law in the Southern District of Texas for over twenty-five years, I know that the rate of \$100.00 per hour for a litigation paralegal with Ms. O'Brien's experience is reasonable.

24. My law firm's compensation for representing Mr. Monroe in this action is completely contingent.
25. To date, my law firm has not received any compensation for its work on this case.
26. The only compensation that my law firm will receive for its work on this case is any attorney's fees awarded by this Court.
27. Before representing Mr. Monroe in this action, I had not represented Mr. Monroe in any other legal matter.
28. My law firm maintained contemporaneous, computerized records of all time it expended and all expenses it incurred in representing Mr. Monroe in this matter. A copy of those records—which have been redacted to remove attorney/client communications and attorney work product-privileged information (e.g. legal research results)—is attached as Exhibit 1.
29. In preparing my law firm's time and expense records for submission in connection with Plaintiff's Motion for Attorneys' Fees, Costs, and Expenses, I have exercised billing judgment.
30. In the exercise of billing judgment, I have charged all of my time and Ms. O'Brien's time at tenth of an hour intervals, rather than at quarter hour intervals.
31. In the further exercise of billing judgment, I am not seeking compensation for work that could be considered non-productive. For example, I have not sought compensation for time (approximately 16 hours) that I spent researching, drafting, and filing a Motion To Certify For Interlocutory Appeal Of Memorandum And Order Denying Motion For Summary Judgment (Dkt. 113), HISD's Response (Dkt. 114), and Plaintiff's Reply (Dkt. 115). See Exhibit 1, at time entries 4/20/21 through 5/12/21.
32. In the further exercise of billing judgment, I am not seeking reimbursement for certain out-of-pocket expenses incurred in this litigation, including approximately \$500.00 in legal research fees on Pacer and VersusLaw; long-distance telephone expenses; and certain travel expenses incurred in connection with the Fifth Circuit appeal.

33. In further exercise of billing judgment, I have imposed an additional five percent (5%) across-the-board reduction of my time.

34. Based on my extensive experience representing clients in civil rights cases in this district—including cases arising under the First Amendment—I know that the time my firm expended in this action is reasonable, especially given the complexity of the legal issues this case presented; HISD’s vigorous legal defense; HISD’s steadfast refusal to settle this case both before and after suit was filed; and the duration of this litigation (more than two years).

35. Because I am a solo practitioner with only one employee (Ms. O’Brien), I was limited in my ability to accept new clients and to devote time to existing ones during this litigation. I was particularly constrained in representing my firm’s existing clients and accepting new clients in the period before this Court’s July 11, 2019 and December 10, 2019 hearings on Mr. Monroe’s Motion for Preliminary Injunction; before the November 5, 2019 Fifth Circuit oral argument; and before the July 16, 2021 trial on the merits.

Signed this the 3rd day of September, 2021.

DocuSigned by:

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SCOTT NEWAR

EXHIBIT 1

Scott Newar, Attorney at Law

September 3, 2021

440 Louisiana, Suite 900

Houston, Texas 77002

Ph. 713-226-7950

Fax: 713-226-7181

Gerry Monroe v. Houston Independent School District, No. 4:19-cv-1991

Date	Description	Hours	Amount	Billed
5/22/2019	T/C w/Gerry Monroe; emails to/from Monroe; review of case documents	0.5	\$250.00	
5/23/2019	Review of video of 4/11/19 Board meeting; emails to/from GM	0.5	\$250.00	
5/24/2019	Emails to/from GM (re: witnesses)	0.25	\$125.00	
5/28/2019	Review of GM case summary; email to/from GM (re: case summary)	0.75	\$375.00	
6/1/2019	Legal research (case law) re: HISD constitutional violations and review of HISD Board meeting policies/procedures/videos	6.5	\$3,250.00	
6/2/2019	Legal research (case law) re: HISD constitutional violations and draft lawsuit	7.25	\$3,625.00	
6/3/2019	Revise and file lawsuit; draft and email representation agreement; T/C w/Monroe (re: rep agreement; explained expense issue)	4.5	\$2,250.00	
6/4/2019	T/C w/Cecilia Edwards; T/Cs w/Monroe; Research, draft, file First Amended Complaint	3	\$1,500.00	
6/5/2019	Research/Draft letter to HISD counsel re: TRO/PI; review Harrington correspondence w/Hutchins-Taylor	1.5	\$750.00	

6/6/2019	Review of videotapes of HISD Board meetings	1.75	\$875.00
6/7/2019	Review of HISD board meeting videos; mtg. w/GM (Starbuck's: 2.0); review of Nichols' letter; T/C w/GM (re: Nichols letter):	3.5	\$1,750.00
6/8/2019	Email to Nichols	0.1	\$50.00
6/9/2019	Legal research re: TRO/PI and "prior restraint"	4.5	\$2,250.00
6/12/2019	Prep. For hearing with Court re: expedited PI/expedited discovery; hearing w/Court (re: expedited hearing/discovery); T/C w/GM (re: status)	2.5	\$1,250.00
6/15/2019	Research/draft PI Memorandum; draft witness subpoenas	6.5	\$3,250.00
6/16/2019	Research/draft Memorandum re: PI	7.5	\$3,750.00
6/17/2019	Research/draft Memorandum re: PI; Review D's discovery responses; emails to Nichols/Karson (re: Interrog response; service; motion to exceed page limits	10	\$5,000.00
6/18/2019	Draft/Edit P.I. Memorandum; draft Motion To Exceed Page Limits; emails to/from Nichols (re: motion to exceed); review of court Order denying Motion To Exceed Page Limits; review of Court's internal procedures re: briefs; review of Court's decisions re: motions to exceed page limits; mtg. w/paralegal (O'Brien) to discuss hearing preparation; T/C w/GM re: amended Memorandum; draft Amended Memorandum; T/C w/Rhonda Booker (witness); T/C w/counsel (Gary from Dallas) re: Werlein trial techniques/requirements; research re: exhaustion of administrative remedies under section 1983	8.5	\$4,250.00

	revise Amended P.I. Memorandum; T/C s w/paralegal (re: Amended Memorandum); T/C w/Monroe (re: subpoena status); T/C w/HPD re: Chief Finner	4.75	\$2,375.00
6/19/2019			
6/21/2019	Review D's Response to Interrogatories; emails to/from Karson Thompson (re: D's Interrogatory Response and re: D's proposed stipulations); review D's P.I. Memorandum; Research and draft response to D's PI Memorandum	8.75	\$4,375.00
6/22/2019	Research and draft Response to HISD's PI Memorandum	10.25	\$5,125.00
6/23/2019	Draft direct examinations of GM; mtg. w/GM (@ Carl's Jr.; review and prepare for Direct examination); draft cross-examination of HISD	12	\$6,000.00
6/24/2019	Preparation for PI hearing (draft Witness List; draft Exhibit List; review D's Exhibit and Witness Lists; meet w/paralegal to organize exhibits; draft Cross-Examination of HISD witnesses; revise direct exam of GM, Trinh, McKinzie, Boykins; attend P.I. hearing (mtg. in chambers w/Court); post-hearing mtg. w/GM and T/C re: status	10	\$5,000.00
6/27/2019	Receipt/review HISD's settlement proposal; email to GM; T/C w/GM	0.75	\$375.00
6/28/2019	Emails to/from Nichols (re: HISD settlement offer; supplemental Interrogatories)	1.25	\$625.00
6/30/2019	Confer with GM re: HISD settlement proposal; draft counter-proposal and email to Nichols	3	\$1,500.00
7/2/2019	Preparation for and hearing before Mag. Stacy (re: expedited discovery)	1	\$500.00
7/8/2019	Draft/File Amended Exhibit List	0.5	\$250.00

	Preparation for 7/11/19 hearing (T/C w/Sara Selber; T/C w/Larry McKinzie; review McKinzie video of 4/24/18 Board meeting; draft/file First Amended Exhibit/Witness lists; review D's supplemental response to Interrogatories; emails to Nichols; draft/review direct/cross examinations)	10.5	\$5,250.00
7/9/2019	Preparation for 7/11/19 hearing (review D's 7/10 letter to Monroe; T/Cs w/Monroe re: 7/10/19 letter; T/C w/Dennis Herlong re: 7/10/19 letter; legal research re: 7/10/19 letter; draft/review direct/cross-examinations; Review D's amended exhibit/witness lists)	11.25	\$5,625.00
7/10/2019	Preparation for P.I. hearing; P.I. Hearing; post-hearing conversation with client/DH	14.5	\$7,250.00
7/11/2019	Review D's post-hearing filing; research/draft Post-Hearing Memorandum	3.5	\$1,750.00
7/15/2019	Research/draft Addendum to Post-Hearing Memorandum; email to Judge Werlein's Case Manager (re: Addendum filing)	1.5	\$750.00
7/18/2019	Review of Memorandum and Order; research re: appeal; TC w/GM (re: status/appeal)	2.5	\$1,250.00
7/19/2019	Research re: appeal; draft notice of appeal; Emails to/from DH (re: appeal)	9	\$4,500.00
7/20/2019	Research re: appeal	1.25	\$625.00
7/21/2019	Research re: 5th Cir. Local Rule re: motion to expedite appeal; Email to Nichols (re: expedited appeal)	0.3	\$150.00
7/22/2019	Legal research re: Supreme Court cases re: content/viewpoint discrimination	1	\$500.00
7/23/2019	Draft Motion for Expedited Appeal	3.75	\$1,875.00
7/24/2019	Review D's Response to Motion for Expedited Appeal	0.75	\$375.00
8/2/2019			

8/4/2019	Research/draft Reply to Response to Mot Exped Appeal	3.25	\$1,625.00
8/5/2019	Revised Reply to Response to Mot Exped Appeal and file	0.5	\$250.00
8/6/2019	Emails/TC w/GM (re: HISD non-compliance with revised ban); Email to Nichols (re: HISD non-compliance with revised ban)	0.5	\$250.00
8/8/2019	Emails to/from Nichols (re: HISD non-compliance with revised ban)	1	\$500.00
8/12/2019	Email to Nichols (re: HISD continued non-compliance with revised ban); research draft Emergency Motion to Enforce And For Sanctions)	4.25	\$2,125.00
8/13/2019	Draft/File Motion for Expedited Hearing and proposed Order	0.5	\$250.00
8/16/2019	Email to Court (re: 8/20/19 reply date re: Motion to Enforce)	0.1	\$50.00
8/19/2019	Review D's Response to Motion To Enforce; Research/draft Reply re: Motion to Enforce; T/C w/GM (re: Reply to Motion to Enforce); review 5th Cir briefing notice	2.5	\$1,250.00
9/6/2019	Review of record re: draft appeal	5	\$2,500.00
9/7/2019	Review of record and draft appeal	6.5	\$3,250.00
9/8/2019	Research and Draft appeal	7.25	\$3,625.00
9/9/2019	Research and Draft appeal	8.5	\$4,250.00
9/10/2019	Research and Draft appeal	9.25	\$4,625.00
9/11/2019	Research and Draft appeal	11.5	\$5,750.00
9/16/2019	Draft/Revise Appellant's Brief	10.25	\$5,125.00
9/17/2019	Draft/revise Appellant's Brief	10.75	\$5,375.00
9/18/2019	Draft/revise Appellant's Brief; draft Record Excerpts	11.25	\$5,625.00
9/21/2019	Review CA5 corrections and correct brief	1.25	\$625.00

10/8/2019	Review of D's Appellee's Brief; email to/from DH	0.5	\$250.00
10/10/2019	Review D's Appellee's Brief; research/draft Reply Brief	10.5	\$5,250.00
10/11/2019	Review D's Appellee's Brief; research/draft Reply Brief	10.25	\$5,125.00
10/12/2019	Research/Draft Reply Brief	6.25	\$3,125.00
10/13/2019	Research/Draft Reply Brief	6.5	\$3,250.00
10/14/2019	Research/Draft Reply Brief	2.5	\$1,250.00
10/15/2019	Research/Draft Reply Brief	2.25	\$1,125.00
10/17/2019	Revise Reply Brief	2.75	\$1,375.00
10/18/2019	Revise/File Reply Brief	1	\$500.00
10/20/2019	Preparation for oral argument(research re: "chilling" speech)	0.75	\$375.00
10/30/2019	Oral Argument preparation (DH; KH; MF)	2.5	\$1,250.00
11/3/2019	Preparation for oral argument (New Orleans)	5.5	\$2,750.00
11/4/2019	Preparation for oral argument (New Orleans CA5)	9.5	\$4,750.00
11/5/2019	Preparation for oral argument and oral argument; post-hearing updates w/GM, DH, et al	8.5	\$4,250.00
11/6/2019	Rule 28j letter to Court (re: HISD Board meeting; Oldham queries)	1.5	\$750.00

	Review CA5 decision; T/C w/Herlong re: decision; T/C w/Trachtenberg (re: decision); T/C w/client (re: decision); email decision to client; email to Nichols (re: motion for expedited hearing on PI hearing); draft Second Amended Complaint; Draft Motion for Leave to File Second Amended Complaint; Draft Amended Motion for PI; Draft Motion for Expedited Hearing re: second PI hearing; research re: mootness (capable of repetition)	3.5	\$1,750.00
11/25/2019	Research/Draft/File 2nd Amended Complaint; Motion for Leave to File 2nd Amended Complaint; Motion for Expedited Hearing; Amended Motion for PI; proposed Orders; emails to/from Nichols (re: conference on pleadings)	5	\$2,500.00
11/26/2019	Email to Court (re: hearing on Amended Motion for PI); T/C w/GM (updated re: status); review of Court's 11/27/19 Order; email to Herlong (re: status)	1.25	\$625.00
11/27/2019	Research/Draft 2nd Amended Motion for PI	4.75	\$2,375.00
11/30/2019	Research/Draft 2nd Amended Motion for PI and Declaration of GM; T/C w/GM (update re: status)	6.25	\$3,125.00
12/1/2019	Revise/Draft 2nd Amended Motion for PI; review Court Order granting motion for expedited hearing	1.5	\$750.00
12/2/2019	Emails to/from Nichols (re: settlement negotiations); emails to/from DH (re: settlement negotiations); T/C w/GM (re: hearing preparation; will email me documents re: attempts to go to campus); Email to Candice (re: exhibit book)	1	\$500.00
12/3/2019	Review HISD's Response; research Reply	3.5	\$1,750.00
12/6/2019			

	Research/Draft Reply to HISD's Response; emails to/from DH (re: Reply); email to Nichols (re: issue to be decided at 12/10/19 hearing); revise draft Reply	5.5	\$2,750.00
12/8/2019	Research/finalize Reply to HISD's Response	2.5	\$1,250.00
12/9/2019	Draft/File Issues For Adjudication; proposed Order (re: 2nd PI); Exhibit List; Witness List; review D's Exhibit List, Witness List, and Statement of Issues; Emails to/from Nichols (re: exhibits); mtg w/GM (re: hearing preparation; draft direct examination of GM; draft cross examination of Tonnis Hilliard; review our exhibits	8	\$4,000.00
12/10/2019	Preparation for 2nd Amended PI hearing; 2nd Amended PI hearing; T/C w/Monroe (re: hearing assessment); meeting w/DH (re: hearing assessment)	3	\$1,500.00
12/11/2019	Review Court's Memorandum re: 2nd Amended PI; emails to/from Herlong (re: decision); T/C and text messages w/client (re: decision); research re: posting bond; research re: potential CA5 appeal; research re: "prevailing party" status under 42 USC 1988	4.5	\$2,250.00
12/12/2019	Draft email to Nichols re: settlement and T/C w/DH (re: settlement proposal)	1.25	\$625.00
12/19/2019	Email to Nichols (re: Joint Case Management Plan)	0.2	\$100.00
2/4/2020	Draft CMP and email to Nichols	0.5	\$250.00
2/6/2020	Review Nichols' changes CMP; revise CMP; file revised CMP	0.3	\$150.00
2/14/2020	Rule 16 status conference with Court; post-conference discussion with DH; post-conference T/C w/Monroe	1.25	\$625.00
4/3/2020	Receipt/review of D's Expert Witness disclosure	0.1	\$50.00

4/5/2020	Legal Research/Draft MSJ; email to D's Counsel (re: Plaintiff's attorney fees designation)	5.9	\$2,950.00
4/6/2020	Research/Draft MSJ	4.5	\$2,250.00
4/8/2020	Review Nichols' email and HISD letter to Monroe; T/C w/Herlong; T/C w/Monroe; draft/email to Nichols (response to letter); Legal research re: mootness/MSJ	4.25	\$2,125.00
4/10/2020	Review of 5 th Circuit oral argument (re: Nichols' argument re: "derogatory" and "offensive") in preparation for MSJ/Mootness arguments	0.5	\$250.00
4/11/2020	Review transcript of 12/11/19 hearing and Revise draft of Motion for Partial MSJ	3.75	\$1,875.00
4/12/2020	Revise draft of Motion for Partial MSJ and draft proposed Order	1.25	\$625.00
4/13/2020	Revise MSJ; draft Motion to Exceed Briefing Page Limit (w/proposed Order); email to Nichols (re: confer re: Motion to Exceed)	4.75	\$2,375.00
4/14/2020	Revise MSJ	1	\$500.00
4/15/2020	Review HISD's response to Motion to Exceed Briefing Page limits; review of Nichols' related email; email to Dennis and T/C w/Dennis (re: HISD's response); email to Nichols (re: settlement)	1.75	\$875.00
4/18/2020	Draft Reply to HISD response to Motion to Exceed Briefing Page Limit; email to DH; review DH comments re: Motion to Exceed	1	\$500.00
4/20/2020	Legal research re: mootness and revise and file Reply to HISD response to Motion To Exceed Briefing Page Limit; email to DH	1.25	\$625.00
4/28/2020	Legal research re: mootness (5 th Circuit recent opinion) and revise outline for MSJ reply brief	0.5	\$250.00

	Review D's Response to Motion for MSJ and legal research re: cases cited in Response	3.5	\$1,750.00
5/11/2020	Legal research re: mootness exceptions and draft MSJ Reply	9.5	\$4,750.00
5/13/2020	Draft and revise MSJ Reply	5.75	\$2,875.00
5/14/2020	Revise MSJ Reply and draft Declaration re: MSJ Reply	5.25	\$2,625.00
6/30/2020	Review D's Motion for Summary Judgment and research Reply	1.25	\$625.00
7/3/2020	Research/draft response to HISD's Motion for Summary Judgment; email to DH (re: Response to MSJ)	5.25	\$2,625.00
7/4/2020	Research/revise Response to HISD's MSJ	1	\$500.00
7/6/2020	Review/Revise Response to HISD's MSJ	0.5	\$250.00
8/25/2020	Email to Nichols (re: contacting Court re: case status)	0.1	\$50.00
8/27/2020	Email to Nichols (re: contacting Court re: JPTO/Docket call extension); Emails to/from Case Manager (Flores) re: case status	0.3	\$150.00
8/31/2020	Draft Joint Motion for Extension of JPTO/Docket Call; email to Nichols	0.5	\$250.00
9/1/2020	Review Nichols' revisions to draft Motion for Extension of JPTO/Docket Call; draft revised Joint Motion; draft proposed Order	0.4	\$200.00
10/25/2020	Legal research re: mootness	0.4	\$200.00
11/26/2020	Review of USCT decisions re: mootness	0.5	\$250.00

	Preparation for Status Conference w/Court; attend Status Conference; T/C w/DH and CO (post-conference)	1.5	\$750.00
2/12/2021	Research/draft settlement proposal to Nichols; transmit draft settlement proposal to Herlong (for review/comment); revise settlement proposal and transmit to Nichols	1.5	\$750.00
2/13/2021	Draft Status Update and emails to/from Nichols (re: Status Update)	0.6	\$300.00
2/24/2021	Review/Revise Court Status Update	0.5	\$250.00
3/8/2021	Research re: SCT decision in <i>Uzuegbunam</i> and draft/file Supplemental Legal Authority	0.75	\$375.00
3/11/2021	Review of HISD's letter; emails to Herlong; review of District Court's Memorandum/Order denying MSJ; research re: Motion for Reconsideration	3.25	\$1,625.00
3/15/2021	Research/draft Motion for Reconsideration; draft proposed Order; email to Herlong	6.25	\$3,125.00
4/1/2021	Review HISD's response to Motion for Reconsideration	0.25	\$125.00
4/5/2021	Research/draft Reply to HISD's response	0.5	\$250.00
4/16/2021	Draft/transmit to Nichols unopposed motion for extension of JPTO	0.5	\$250.00
4/19/2021	Review of Court's Order denying Motion for Reconsideration; email to/from Herlong; research re: cases cited in Court's Order and re: direct and interlocutory appeal	3.5	\$1,750.00
4/20/2021	Legal research re: direct/ interlocutory appeal; draft/transmit email to Nichols (re: interlocutory appeal)	3	\$1,500.00

4/27/2021	Research/draft Motion To Certify Interlocutory Appeal; email to Nichols; review of Nichols' email (re: interlocutory appeal)	5.25	\$2,625.00
4/28/2021	Research/Revise Motion To Certify Interlocutory Appeal; draft proposed Order re: Interlocutory Appeal; T/C with and email to Herlong (re: Motion for Interlocutory Appeal)	4.75	\$2,375.00
5/11/2021	Review of HISD's Response to Motion To Certify Interloc Appeal	0.25	\$125.00
5/12/2021	Research/draft Reply to HISD Response to Motion To Certify Interloc Appeal	2.5	\$1,250.00
6/16/2021	Email to Nichols/Karson (re: JPTO)	0.1	\$50.00
6/17/2021	Review Nichols/Thompson email re: JPTO; email to Nichols/Thompson (re: JPTO scheduling; withdrawal of jury demand)	0.1	\$50.00
6/18/2021	6/18/21: Review Thompson email re: jury demand withdrawal; email to Nichols/Thompson (re: jury demand withdrawal; JPTO); research/draft Notice of Withdrawal of Jury Demand; emails to/from Herlong (re: jury demand withdrawal); research/draft JPTO, Trial Memorandum, Findings of Fact/Conclusions of Law	6.5	\$3,250.00
6/19/2021	Research/Draft Findings of Fact and Conclusions of Law; Research/Draft Trial Memorandum	4.25	\$2,125.00
6/20/2021	Research/Draft JPTO and Witness List	2.25	\$1,125.00
6/21/2021	Research/revise JPTO (re: jury demand)	0.75	\$375.00
6/22/2021	Research/draft Notice of Withdrawal of Claim for Monetary Damages	1	\$500.00

6/23/2021	Review HISD's revisions to JPTO; draft revisions to HISD's revised JPTO; research re: mootness	3	\$1,500.00
6/24/2021	Research/Revise HISD's draft JPTO; emails to and from Herlong/Thompson (re:JPTO)	3.25	\$1,625.00
6/25/2021	Review/revise JPTO filings (Trial Memorandum; Findings of Fact/Conclusions of Law); review HISD's exhibit and witness lists	6.25	\$3,125.00
7/16/2021	Prepare for docket call and attend docket call; post-docket call meeting with Herlong	1.5	\$750.00
7/17/2021	Research and prepare for deposition of Dr. Allen	2.5	\$1,250.00
7/22/2021	Preparation for Dr. Allen's deposition and deposition of Dr. Allen; preparation of Second Amended Exhibit List; email to Nichols; T/C w/Monroe (re: status)	3.5	\$1,750.00
7/25/2021	Draft direct examinations of Monroe, Allen, and Salazar	2.5	\$1,250.00
7/26/2021	Preparation for trial; Trial; post-trial conferences with Herlong and Monroe; research and draft Supplemental Authorities	11.5	\$5,750.00
7/27/2021	Revise Supplemental Authorities and file; review HISD's response to Supplemental authorities and research authorities cited therein	2.5	\$1,250.00
8/4/2021	Review Court's Memorandum and Opinion; research cases cited in Memorandum; emails to/from Herlong; email to Monroe	1.75	\$875.00
8/13/2021	Review Nichols' email (re: attorney's fees); email to Nichols (re: attorney's fees status)	0.25	\$125.00

	Review/redact fee/expense application and email to Nichols; emails to/from Herlong (re: fee application)	1	\$500.00
8/16/2021	Research and draft Plaintiff's Motion for Attorneys' Fees, Costs, and Expenses (including Declaration of Scott Newar)	10.25	\$5,125.00
9/2/2021	Research, draft, and edit Plaintiff's Motion for Attorneys' Fees, Costs, and Expenses (including Declaration of Scott Newar and proposed Order)	4.75	\$2,375.00
	Total Hours:	569.25	Total: \$284,625.00

Candice O'Brien (paralegal) time: \$100

6/4/2019	Exhibits for First Amended Complaint and efilng	2	\$200.00
6/9/2019	Production in Monroe	1.75	\$175.00
6/10/2019	Subpoenas	3	\$300.00
6/14/2019	Prepare and file motion for Expedite Hearing	2.5	\$250.00
6/17/2019	Prepare TOA, TOC and Exhibits Memorandum	4	\$400.00
6/18/2019	Emails with easy-serve and subpoena updates; Edit Memorandum	2.25	\$225.00
6/19/2019	Format Preliminary Injunction, combine/prepare Exhibits, and e-filing	3.5	\$350.00
6/20/2019	Edit Exhibit List and Exhibits ; Prepare Subpoena for Boykins	3	\$300.00
6/21/2019	Correspondence with court; Prepare subpoena: Jones; Prepare/combine exhibits	3.5	\$350.00
6/22/2019	Prepare for hearing	3.25	\$325.00
6/23/2019	Prepare for hearing	4.5	\$450.00
6/24/2019	Prepare for hearing	8	\$800.00

7/1/2019	Prepare for hearing	1.5	\$150.00
9/17/2019	Prepare/edit 5th circuit brief	5.5	\$550.00
9/18/2019	Prepare/edit brief, efiling	4	\$400.00
9/19/2019	E-filing Brief edits	2.5	\$250.00
9/23/2019	Corrected brief	2	\$200.00
9/24/2019	Brief revisions	1.5	\$150.00
9/25/2019	Discovery Services: Brief	4.5	\$450.00
10/14/2019	TOA Brief	1.5	\$150.00
10/15/2019	Prepare TOA, TOC and Exhibits for Brief	1.5	\$150.00
10/16/2019	Prepare TOA, TOC and Exhibits for Brief	1	\$100.00
10/17/2019	Prepare TOA, TOC and Exhibits for Brief	1	\$100.00
10/18/2019	Prepare TOA, TOC and Exhibits for Brief	2.5	\$250.00
10/20/2019	Reply brief print job	1	\$100.00
10/21/2019	Prep mach hearing	0.5	\$50.00
12/1/2019	Second Amended Motion TOA/TOC Declaration	4	\$400.00
12/2/2019	Edit Brief; Filing	3.5	\$350.00
12/3/2019	Hearing Prep	2	\$200.00
12/7/2019	Hearing Prep	3.5	\$350.00
12/8/2019	Hearing Prep	4.5	\$450.00
12/9/2019	Hearing Prep	3.5	\$350.00
12/10/2019	Hearing Prep and attendance	4	\$400.00
2/6/2020	E-filing with exhibits	0.5	\$50.00
2/18/2020	Prepare fees	8	\$800.00
4/7/2020	Extract ROA	2.5	\$250.00

4/8/2020	Format MSJ draft	5	\$500.00
4/10/2020	MSJ Formatting	3.5	\$350.00
4/13/2020	TOA/TOC Monroe Reply	5	\$500.00
4/14/2020	TOA/TOC MSJ and e-file Motion to exceed page limits	4	\$400.00
4/20/2020	E-file MSJ final	1.5	\$150.00
7/6/2020	Format/e-file Monroe Response	1	\$100.00
6/25/2021	Formatting and e-filing trial pleadings	8	\$800.00
7/22/2021	Amended Exhibit list; Deposition of Dr. Allen	3	\$300.00
7/23/2021	Trial Prep	6	\$600.00
7/24/2021	Trial Prep	6	\$600.00
7/25/2021	Trial Prep	9	\$900.00
7/26/2021	Trial	6.5	\$650.00
8/12/2021	Fee/Expense Calculation	3	\$300.00
8/13/2021	Fee/Expense Calculation	3.5	\$350.00
8/16/2021	Fee/Expense Calculation	2.5	\$250.00
9/3/2021	Prepare and file the Motion for Attorneys' Fees	2	\$200.00
		Total Hours: 177.25	Total: \$17,725.00

Expenses:

6/13/2019	District Court Filing Fee	\$450.00
6/21/2019	Subpoena's: Cambell-Rhode and Guillory	2
6/21/2019	Easy-Serve: Subpoena's for Boykins and Jones	\$357.36
8/9/2019	Transcript fee re: appellate record (Kathy Metzger)	\$679.00
10/1/2019	Discovery Servies: Monroe Brief	\$410.59

10/18/2019	5th Circuit filing fee	\$505.00
11/8/2019	Discovery Services: Monroe Brief	\$133.02
4/11/2020	Payment to court reporter for transcript of 12/10/19 Preliminary Injunction hearing	\$343.10
7/22/2021	Deposition of Dr. Patricia Allen	\$597.27
7/25/2021	Trial Expenses: Trial binders, tabs and copying	\$70.00
	Total:	\$3,844.34

Total Invoice
Amount: \$306,194.34